

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS FOR AFFIRMING SWITCHED STATUS OF MEMS-BASED DEVICES** the specification of which is attached hereto.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
| | | | |

Thereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

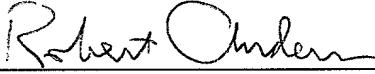
| Application No. | Filing Date |
|-----------------|-------------|
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I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status |
|-----------------|----------------|--------|
| | | |

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|--------------------------|---|---|--|
| Full Name of Inventor 1: | Last Name: STAPLE | First Name: BEVAN | Middle Name or Initial: |
| Residence & Citizenship: | City: Longmont | State/Foreign Country: Colorado | Country of Citizenship: United States |
| Post Office Address: | Post Office Address: 1059 Button Rock Drive | City: Longmont | State/Country: Colorado Postal Code: 80501 |
| Full Name of Inventor 2: | Last Name: ANDERSON | First Name: Robert | Middle Name or Initial: |
| Residence & Citizenship: | City: Boulder | State/Foreign Country: Colorado | Country of Citizenship: United States |
| Post Office Address: | Post Office Address: 1011 Rainbow Way | City: Boulder | State/Country: Colorado Postal Code: 80303 |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|--|---|
| Signature of Inventor 1 | Signature of Inventor 2 |
|  |  |
| Bevan Staple | Robert Anderson |
| Date 1-25-02 | Date 1-25-02 |

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Please type a plus sign (+) inside this box →

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

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| POWER OF ATTORNEY OR AUTHORIZATION OF AGENT | Application Number | |
| | Filing Date | |
| | First Named Inventor | Bevan Staple |
| | Title | METHODS FOR AFFIRMING SWITCHED STATUS OF MEMS- BASED DEVICES |
| | Group Art Unit | |
| | Examiner Name | |
| | Attorney Docket Number | 19930-006100US |

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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|--|
| Name | Steven Georgis, President Network Photonics, Inc. |
| Signature | |
| Date | January 28, 2002 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of one form is submitted.

Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for
Patents, Washington, DC 20231.
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